

REMARKS

Claims 2 and 6-10 have been cancelled. Claims 1 and 3-5 have been amended. Claims 1 and 3-5 remain pending in the present application.

REJECTION UNDER 35 U.S.C. §102(e)

The Examiner has rejected Claims 1-5 under 35 U.S.C. §102(e) alleging them to be anticipated by Kaga et al. (U.S. Patent No. 6,909,197). Applicants enclose a certified translation of its international priority document. This document illustrates that the priority date for this application is January 24, 2003. This date is well prior to the September 10, 2003 filing date of the Kaga et al. reference. Also, this date proceeds the foreign application priority date of the Kaga et al. reference. Accordingly, Kaga et al. cannot be applied as a reference to the present application and must be removed.

REJECTION UNDER 35 U.S.C. §102(b)

The Examiner has rejected Claims 1, 3 and 5 under 35 U.S.C. §102(b) alleging them to be anticipated by Forrester (U.S. Patent No. 1,772,247).

Claim 1 had been amended. Claim 1 has been amended to include an output shaft being drive-wise connected to the input shaft and connectable to a driveshaft of an agricultural device.

The Forrester reference cited by the Examiner fails to disclose or suggest any type of output shaft being drive-wise connected to the input shaft and connectable to a driveshaft of the agricultural device. Accordingly, the Forrester reference fails to anticipate Applicants invention.

Thus, Applicants believe Claims 1, 3 and 5 to be patentably distinct over the Forrester reference.

REJECTION UNDER 35 U.S.C. §103(a)

The Examiner has rejected Claims 2 and 4 under 35 U.S.C. §103(a) alleging them to be unpatentable over Forrester in view of Von Fumetti (U.S. Patent No. 3,001,409). The Examiner alleges that this combination would render Applicants' invention obvious to those skilled in the art.

Claim 1 has been amended to include Claim 2. Claim 1 now defines, among other elements, that an output shaft is drive-wise connected to the input shaft and is connectable to the driveshaft of an agricultural device. The combination relied on by the Examiner fails to disclose or suggest Applicants' invention.

First the Forrester reference illustrates a power take off element 10 which is positioned inside the cab of the vehicle. It also includes a shaft 24, connected to its only take off, which drives an auxiliary power member such as an electric generator mounted on a platform.

The Examiner then combines Von Fumetti with Forrester. Von Fumetti illustrates a ratio changing mechanism which may be attached to a power takeoff shaft. The mechanism is capable of changing the speed, either faster or slower, of the rotation of the takeoff shaft. There is no motivation or suggestion to combine these two references. Forrester neither discloses nor suggests an output shaft for driving an agricultural implement. In fact, by combining Von Fumetti with Forrester, the power drive takeoff would be positioned inside the cab and would be used to drive the

generator. There is no suggestion or motivation of having an output drive as claimed by Applicants.

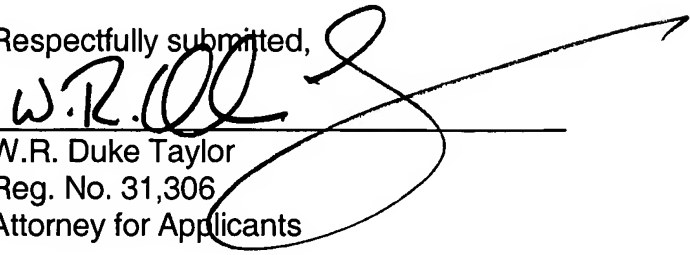
Clearly, only through the Examiner's hindsight reconstruction does the Examiner remotely suggest the combination. The Examiner cannot pick and choose among isolated elements in an attempt to deprecate the Applicants' invention. The Examiner cannot use the Applicants' invention as a template in an attempt to combine references, which have little or no relationship to one another in an attempt to render Applicants' invention obvious. The Examiner's combination is improper under §103.

Accordingly, Applicants believe amended Claim 1 to be patentably distinct over the art cited by the Examiner. Likewise, Claims 3-5 which depend from Claim 1 are patentably distinct over the art said by Examiner.

In light of the above amendments and remarks, Applicants submit that all pending claims are conditioned for allowance. Accordingly, Applicants respectfully request the Examiner to pass the case to issue at his earliest possible convenience.

Should the Examiner have any questions regarding the present application, he should not hesitate to contact the undersigned at (248) 641-1600.

Respectfully submitted,


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